

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

ROBERT W. WILSON and SONIA
SILVA WILSON, husband and wife,

Plaintiff,

v.

BATTELLE MEMORIAL
INSTITUTE, d/b/a PACIFIC
NORTHWEST NATIONAL
LABORATORY,

Defendant.

NO: CV-11-5130 RMP

ORDER GRANTING STIPULATED
MOTION FOR PROTECTIVE ORDER

BEFORE the Court is the parties' Stipulated Motion for Protective Order, ECF No. 18. Having reviewed the motion, the protective order, and the file and pleadings, the Court finds good cause to grant the motion and approve the protective order with the following clarification.

There is a strong presumption in favor of public access to court documents. *Kamakana v. City and County of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006). Therefore, a party seeking to seal a judicial record "bears the burden of

1 overcoming this strong presumption by meeting the ‘compelling reasons’
2 standard.” *Kamakana*, 447 F.3d at 1178. Specifically, “[t]he party must “articulate
3 [] compelling reasons supported by specific factual findings [...] that outweigh
4 the general history of access and the public policies favoring disclosure, such as
5 the public interest in understanding the judicial process.” *Kamakana*, 447 F.3d at
6 1178–79 (internal quotations omitted); see also *Pintos v. Pacific Creditors Assn.*,
7 605 F.3d 665, 678-79 (9th Cir. 2010) (a motion to seal documents that are part of
8 the judicial record is governed by the “compelling reasons” standard rather than
9 the “good cause” standard for “private materials unearthed during discovery”
10 contemplated by Fed. R. Civ. P. 26(c))

11 Inasmuch as the proposed protective order anticipates future motions to seal
12 confidential information, the Court wants to make clear the appropriate standard
13 that must be met by both contested and stipulated motions to seal.

14 Accordingly, **IT IS HEREBY ORDERED:**

15 1. The parties’ Stipulated Motion for Protective Order, **ECF No. 18**, is

16 **GRANTED.**

17 2. The Stipulated Protective Order outlined in **ECF No. 18**, is **APPROVED**

18 and is without prejudice to any party’s right to demand or oppose

19 discovery on any ground permitted by the Federal Rules of Civil

20 Procedure and is without prejudice to any other party’s right to contest

21 any such assertions.

1 The District Court Executive is directed to enter this Order and provide
2 copies to counsel.

3 DATED this 31st day of January 2012.

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5 *s/ Rosanna Malouf Peterson*
6 ROSANNA MALOUF PETERSON
7 Chief United States District Court Judge
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